

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**MICHAEL ROSE; THOMAS FLEENOR, JR.;
JOHN CRABTREE; STEVEN MARTIN; JACOB
BEAVERS; GARY TOLER; ELGIE ADKINS;
TYLER CHILDERS, and SABRINA EAGLE, on
behalf of themselves and others similarly situated,**

Plaintiffs,

v.

**Civil Action No. 5:22-cv-405
The Honorable Frank W. Volk**

**THE RALEIGH COUNTY COMMISSION; DAVID
TOLLIVER, in his capacity as a Raleigh County
Commissioner; LINDA EPLING, in her capacity as a
Raleigh County Commissioner; RON HENRICK, in
his capacity as a Raleigh County Commissioner;
GREGORY DUCKWORTH, in his capacity as a
Raleigh County Commissioner, THE FAYETTE
COUNTY COMMISSION; JOSH BRENNEMEN, in
his capacity as a Fayette County Commissioner;
DENIS SCALPH, in her capacity as a Fayette County
Commissioner; THOMAS LOUISOS, in his capacity
as a Fayette County Commissioner; ALLISON
TAYLOR, in her capacity as a Fayette County
Commissioner; THE GREENBRIER COUNTY
COMMISSION; BLAINE PHILLIPS, in his capacity
as a Greenbrier County Commissioner; TAMMY
TINCER, in her capacity as a Greenbrier County
Commissioner; LOWELL ROSE, in his capacity as a
Greenbrier County Commissioner; THE MERCER
COUNTY COMMISSION; GENE BUCKNER, in his
capacity as a Mercer County Commissioner; GREG
PUCKETT in his capacity as a Mercer County
Commissioner; BILL ARCHER in his capacity as a
Mercer County Commissioner; THE MONROE
COUNTY COMMISSION; WILLIAM MILLER,
in his capacity as a Monroe County Commissioner;
KEVIN MANN in his capacity as a Monroe County
Commissioner; KEVIN GOLFORD, in his capacity
as a Monroe County Commissioner; and MELVIN
YOUNG, in his capacity as a Monroe County**

Commissioner; THE SUMMERS COUNTY COMMISSION; JACK WOODRUM, in his capacity as a Summers County Commissioner; BILL LIGHTNER, in his capacity as a Summers County Commissioner; CHARLES SAUNDERS, in his capacity as a Summers County Commissioner; MIKE GORE, in his capacity as a Summers County Commissioner; TED KULA, in his capacity as a Summers County Commissioner; THE WYOMING COUNTY COMMISSION; RANDALLALIFF, in his capacity as a Wyoming County Commissioner; JASON MULLINS, in his capacity as a Wyoming County Commissioner; SAMUEL MUSCARI, SR., in his capacity as a Wyoming County Commissioner; PRIMECARE MEDICAL, INC.; THOMAS WEBER; BRETT BAVINGTON; KRISTA VALLANDINGHAM; MELISSA JEFFERY; BRANDY EASTRIDGE, HELEN PERKINS; JESSICA MILLER; BRANDY EASTRIDGE; WEXFORD HEALTH SOURCES, INC.; MARY STONE; DANIEL CONN; ELAINE GEDMAN; JOHN FROELICH; and HUMAYAN RASHID, M.D.,

Defendants.

RULE 41(a)(1)(A)(i) VOLUNTARY PARTIAL DISMISSAL

COME NOW Plaintiffs, by undersigned counsel, and pursuant to Rule 41(a)(1)(A)(i) hereby voluntarily dismiss their claims set forth in the Third Amended Complaint¹ against The Raleigh County Commission; David Tolliver; Linda Epling; Ron Henrick; Gregory Duckworth; The Fayette County Commission; Josh Brenemen; Dennis Scalp; Thomas Louisos; Allison Taylor; The Greenbrier County Commission; Blaine Phillips; Tammy Tincher; Lowell Rose; The Mercer County Commission; Gene Buckner; Greg Puckett; Bill Archer; The Monroe County Commission; William Miller; Kevin Mann; Kevin Galford; Melvin Young; The Summers County

¹ Plaintiffs understand that the Court has yet to enter an Order making the Third Amended Complaint operative but anticipate the same based upon statements placed on the record during hearings in this matter.

Commission; Jack Woodrum; Bill Lightner; Charles Saunders; Mike Gore; Ted Kula; The Wyoming County Commission; Randall Aliff; Jason Mullins; and Samuel Muscari, Sr.

Further, Plaintiffs Michael Rose, Jacob Beavers, and Tyler Childers hereby dismiss their claims contained in the Third Amended Complaint inasmuch as they have stated no claim in a class representative capacity against remaining Defendants.

**MICHAEL D. ROSE, *et al.*, on their own
behalf and on behalf of all those similarly
situated,
By Counsel**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

MICHAEL D. ROSE, et al.,

Plaintiffs,

v.

MICHAEL FRANCIS, et al.

Defendants.

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**Civil Action No. 5:22-cv-00405
(Judge Volk)**

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that a true and correct copy of the foregoing *Rule 41(a)(1)(A)(i) Voluntary Partial Dismissal* was filed with the clerk on July 24, 2024, via the Court's CM-ECF Filing System which will provide electronic notification to all counsel of record.

/s/ Amanda J. Taylor

Amanda J. Taylor (WVSB No. 11635)